

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority. Applicant also thanks the Examiner for having returned an initialed copy of the PTO 1449 that was submitted on 21 April 2005.

The drawings have been objected to for allegedly failing to show "the restriction member...attached to the gear housing" as recited in claim 6. Applicant respectfully disagrees with the Examiner's allegation. Particularly, Figs. 1 and 4 clearly show the restriction member 41 attached in the gear housing 21. It appears as if the fragmented view of Fig. 2 may have misled the Examiner. However, as clearly discussed on, for example, pg. 15, lines 5 – 7, the board-retaining part 41 (restriction member) is not in contact with the cover member 13.

Therefore, because the drawings clearly show the restriction member 41 attached in the gear housing 21, the objection to the drawings should be withdrawn.

Claims 1 – 6 are pending. Applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 6 have been objected to because of various informalities. Applicant has amended claims 1 – 6 to correct the various informalities and adopt the suggested corrections made by the Examiner. Therefore, the objection to claims 1 – 6 should be withdrawn.

Claims 1 – 6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully requests that this rejection be withdrawn for the following reasons.

The Examiner has asserted that the phrase "counter-insertion side thereof" recited in claim 1 is confusing and indefinite because the antecedent of "thereof" is not clear. Applicants

have accordingly amended said phrase to state “counter-insertion side ~~thereof~~ of the circuit board.”

The Examiner has asserted that the term “opening portion” is vague because it is not clear if this defines the entire space in the motor housing in which the circuit board is housing, or if it refers only to that plane-shaped region at the opening or mouth of the motor housing. Applicant respectfully disagrees, as the opening portion 21e is clearly defined in the specification on, for example, pg. 7 as the opening portion 21e of the gear housing 21. The opening portion 21e is also clearly shown in, for example, Fig. 4. It is a well-established axiom in patent law that a patentee or applicant is free to be his or her own lexicographer. See, e.g., Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). That is, the term “opening portion” is not vague, and is clearly defined as the opening portion 21e of the gear housing 21.

The Examiner has further asserted that it makes little sense to refer to a counter-insertion side since there is no side to the opening portion. However, the counter-insertion side is of the circuit board, not the opening portion, as reflected in the amendment discussed above.

Therefore, because claim 1, as amended, recites novel subject matter in definite language, it is respectfully requested that the rejection of claims 1 – 6 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1 – 2 and 5 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,969,933 to Mao *et al.* (hereafter: “Mao”). Applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to recite the novel embodiment disclosed, for example, on pgs. 11 – 12 in which the board-installing portion 21d holds the circuit board 31 inserted through the

opening portion 21e and along an axial direction defined along a center of the motor portion L1, and in which the circuit board 31 is disposed in the board-installing portion in such a manner that a plane of the circuit board extends along an axial direction of the motor portion.

Mao discloses a system 10 comprising a gear assembly 54 having a gear housing 56 with a receiving area 58, which receives the circuit board 42. The drive system 10 comprises a drive motor 12 situated in a motor housing 14 which receives a rotor 16 comprising a plurality of windings 18. The system further comprises a brush housing 28.

However, Mao fails to disclose that the circuit board 42 is disposed in the brush housing 28 in such a manner that a plane of the circuit board 42 extends along an axial direction of the motor portion 14 or the motor 12. Rather, as shown in Fig. 1, Mao discloses a circuit board 42 perpendicular to an axial direction of the motor portion 14.

Therefore, because Mao fails to disclose that the circuit board 42 is disposed in the brush housing 28 in such a manner that a plane of the circuit board 42 extends along an axial direction of the motor portion 14 or the motor 12, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. 102(e) be withdrawn.

Claims 2 and 5 depend from claim 1. Therefore, the rejection of these claims should be withdrawn for at least the above-mentioned reasons with respect to claim 1.

Further regarding claim 2, claim 2 has been amended to recite the novel embodiment disclosed, for example, on pg. 10, lines 14 – 17 in which the gear housing 21 is formed in a planiform shape along an axial direction of the motor portion 2.

As discussed above, Mao discloses a system 10 comprising a gear assembly 54 having a gear housing 56 with a receiving area 58 and a drive motor 12 situated in a motor housing 14.

However, the gear housing 56 is not formed in a planiform shape along an axial direction of the motor portion 14. Accordingly, the rejection of claim 2 should be withdrawn.

Claims 3, 4 and 6 were objected for being dependent upon a rejected claim. However, the Examiner indicated that claims 3, 4 and 6 would be allowed if amended to be in independent form including all of the limitations of the base claim and any intervening claims. Applicants have accordingly amended claims 3, 4 and 6 to be in independent form including all of the limitations of the base claim and any intervening claims. Therefore, the objection to claims 3, 4 and 6 should be withdrawn.

Further, the amendments to claims 3, 4 and 6 were made primarily to correct cosmetic defects. Therefore, the amendments to these claims have not narrowed their scope within the meaning defined in Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. 722 (2002).

New claims 7 – 8 are presented for examination. These claims recite features that further distinguish the present invention from the art of record. Support for new claim 7 can be found on, for example, pg. 14. Support for new claim 8 can be found on, for example, pgs. 6 – 7.

Further, new claims 7 – 8 depend from claim 1. Therefore, new claims 7 – 8 should be in condition for allowance for at least the above-mentioned reasons with respect to claim 1.

In view of the foregoing, Applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kerry S. Culpepper", written over a horizontal line.

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